

UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

In re: AKSHARDIP CORP. : Chapter 7
Debtor. : Case No. 5:19-01559-RNO

In re: S&R LTD : Chapter 7
Debtor. : Case No. 5:19-01561-RNO

In re: SWAMI ENTERPRISES, INC. : Chapter 7
Debtor. : Case No. 5:19-01562-RNO

WILLIAM G. SCHWAB, ESQ., Trustee :
For the Estate of Akshardip Corp.,
Movant, :
vs. : Motion to Amend Order

TOMPKINS VIST BANK f/k/a
LEESPORT BANK

ROBERT F. SMITH and MARY ANN SMITH

FEDERAL AGENCIES:

INTERNAL REVENUE SERVICE,

STATE AGENCIES:

PA DEPARTMENT OF REVENUE,
PA DEPARTMENT OF LABOR AND
INDUSTRY,

SCHUYLKILL COUNTY AGENCIES:

SCHUYLKILL COUNTY,
SCHUYLKILL COUNTY TAX
CLAIM BUREAU,

SCHUYLKILL COUNTY MUNICIPALITIES	:
MUNICIPAL AGENCIES &	:
SCHOOL DISTRICTS	:
NORTH MANHEIM TOWNSHIP	:
SCHUYLKILL COUNTY MUNICIPAL	:
AUTHORITY, BLUE MOUNTAIN	:
SCHOOL DISTRICT	:
Respondents	:

MOTION TO AMEND ORDER

AND NOW, comes William G. Schwab, Esquire, the duly appointed Chapter 7 Trustee for the Estate of Akshardip Corp., by and through his counsel, William G. Schwab & Associates, and moves for an order authorizing the sale of real property free and clear of all liens and encumbrances stating in support thereof:

JURISDICTION AND VENUE

- 1 The Court has jurisdiction over the matter pursuant to 28 U.S.C. § 157.
- 2 This action is a core proceeding under 28 U.S.C. §§ 157(b)(2)(N).
- 3 Venue is proper pursuant to 28 U.S.C. § 1409.
- 4 The legal predicates for the relief requested herein are 11 U.S.C. § 363(f).

PARTIES

5 Movant, WILLIAM G. SCHWAB, ESQUIRE, is the duly appointed, qualified, and acting Trustee in the above captioned bankruptcy proceeding, having his place of business at P.O. Box 56, 811-1 Blakeslee Boulevard Drive East, Lehighton, Pennsylvania 18235.

6 The Debtor, Akshardip Corp., is a Pennsylvania Business Entity with a listed address of 511 Route 61 South, Schuylkill Haven, PA 17972.

7 Tompkins VIST Bank, f/k/a Leesport Bank, is a Business Entity with a listed address of 133 North Center St., Perr, NY 14530.

8 The remaining Respondents may have an interest in the Debtor's property as government agencies in corporate assets under taxing authority or as judgment creditors.

FACTUAL ALLEGATIONS

9 On April 15, 2019, the Debtor filed a voluntary petition for relief under Chapter 7 of the United States Bankruptcy Code.

10 Subsequently, William G. Schwab was appointed as the Chapter 7 Trustee.

11 On May 14, 2019, by court order, this case was consolidated with In re: S&R LTD, Case No. 5:19-01561-RNO and In re: SWAMI ENTERPRISES, INC., Case No. 5:19-01562, for joint administration.

12 Prior to the Debtor's petition, the Debtor was the owner of a piece of commercial property located in North Manheim Township, with the Tax Parcel No. of 18-6-101, and the street address of 511 Route 61 South.

13 This property has an estimated value of \$1,055,000.00.

14 VIST Bank holds a first mortgage on the property in the amount of \$523,889.01.

15 Robert and Mary Ann Smith may have a second mortgage on the property in the amount of \$30,000.00 .

16 The Trustee attempted to sell the property at Public Auction.

17 At public auction the Trustee received an offer of \$635,000.00, from a Ravi Pachal.

18 On August 29, 2019 the Trustee filed a motion to sell the property free and clear of liens and encumbrances to Mr. Pachal.

19 An Order was entered on October 17, 2019, granting said sale.

20 Mr. Panchal is taking title to the property as Divnil, LLC.

21 Mr. Panchal's title company is requesting the sale order reflect this fact.

22 As such, the Trustee is requesting that the October 17, 2019 order be amended to reflect the sale being made to Mr. Panchal's limited liability company.

WHEREFORE, Trustee prays this Honorable Court grant his motion and amend the October 17, 2019, sale order authorizing the sale to Mr. Panchal and/or his assigns.

WILLIAM G. SCHWAB & ASSOCIATES:

Date: December 27, 2019

BY: /s/ Eric James Filer
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